



PUBLIC NOTICE

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**WIRELESS TELECOMMUNICATIONS BUREAU ANNOUNCES EFFECTIVE DATE OF
REVISED 800 MHZ CELLULAR SERVICE RULES THAT REQUIRED OMB APPROVAL;
TEMPORARILY WAIVES GIS MAP-FILE REQUIREMENTS UNDER SECTION 22.948**

WT Docket No. 12-40

On December 10, 2014, the Wireless Telecommunications Bureau issued a Public Notice announcing that revised final rules governing the 800 MHz Cellular (“Cellular”) Service, as adopted in the Commission’s *Report and Order and Further Notice of Proposed Rulemaking*,¹ would take effect on January 4, 2015,² with the exception of revised Sections 22.165(e), 22.948, and 22.953,³ which required prior approval by the Office of Management and Budget (“OMB”) under the Paperwork Reduction Act.⁴ On March 31, 2015, April 9, 2015, and April 20, 2015, OMB approved the information collection requirements associated with revised Sections 22.165(e), 22.948, and 22.953, and the Commission published notice of the approvals in the *Federal Register* on April 28, 2015.⁵ As the Commission stated, these three revised rules will take effect on May 19, 2015.⁶

Temporary Blanket Waiver of GIS Map-File Requirements in Section 22.948. Section 22.948 provides for geographic partitioning, spectrum disaggregation, and spectrum leasing in the Cellular Service. As adopted in the *Report and Order*, revised Section 22.948(a) requires applicants to submit GIS map files and a reduced-size PDF map for both the assignor and assignee in an application for

¹ Amendment of Parts 1 and 22 of the Commission’s Rules with Regard to the Cellular Service, Including Changes in Licensing of Unserved Area (other captions omitted), *Report and Order and Further Notice of Proposed Rulemaking*, WT Docket No. 12-40, RM Nos. 11510 and 11660, 29 FCC Rcd 14100 (2014) (“*Report and Order*”).

² See “Wireless Telecommunications Bureau Announces Effective Date of Revised 800 MHz Cellular Service Rules; Reminds Licensees of Continuing Obligations,” *Public Notice*, 29 FCC Rcd 14769 (WTB 2014) (“December 2014 Public Notice”), citing 79 Fed. Reg. 72143 (Dec. 5, 2014) (*Federal Register* publication of the revised final rules).

³ 47 C.F.R. §§ 22.165(e), 22.948, and 22.953.

⁴ See December 2014 Public Notice at 1 n.4, citing 79 Fed. Reg. 72173 (Dec. 5, 2014) (“Information Collections Being Reviewed by the Federal Communications Commission”) and explaining that, until a notice was published in the *Federal Register* announcing the effective date of revised Sections 22.165(e), 22.948, and 22.953, the prior versions of those rules would remain in force.

⁵ See 80 Fed. Reg. 23452 (Apr. 28, 2015).

⁶ See *id.*

partitioning, disaggregation, or a combination of the two;⁷ revised Section 22.948(d) imposes these same requirements on applicants for spectrum leasing.⁸ At the time the *Report and Order* was released, work was underway to make appropriate changes to the Commission's Universal Licensing System ("ULS") to accommodate submission of GIS map files by Cellular Service applicants seeking to partition area, disaggregate spectrum, or lease spectrum. This necessary ULS work is still in progress.

Pursuant to Section 1.925, the Commission may waive specific requirements of its rules on its own motion if, "[i]n view of unique or unusual factual circumstances of the instant case, . . . the applicant has no reasonable alternative."⁹ At this time, it is impossible in ULS for Cellular Service applicants to comply with the requirement to submit GIS map files with their applications for partitioning, disaggregation, or leasing under Section 22.948.¹⁰ Accordingly, pursuant to Section 1.925(b)(3)(ii), we grant a temporary, blanket waiver of such requirement until further notice.¹¹ We will issue a subsequent Public Notice to advise applicants when they must comply with the GIS map-file requirement of this rule. However, effective as of May 19, 2015, applicants must comply with all other provisions of revised Section 22.948, including the requirement to submit a PDF map with their applications.

For further information, please contact Nina Shafran, nina.shafran@fcc.gov, (202) 418-2781.

Action by the Chief, Mobility Division, Wireless Telecommunications Bureau.

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⁷ 47 C.F.R. § 22.948(a) (referencing 47 C.F.R. § 22.953).

⁸ *See id.* § 22.948(d).

⁹ 47 C.F.R. § 1.925(a), (b)(3)(ii). *See also id.* § 1.3 (stating that the Commission may waive on its own motion any provision of the rules for good cause).

¹⁰ This has no effect on the requirement to submit GIS map files with applications for Cellular Service Unserved Area pursuant to 47 C.F.R. § 22.953 once the revised rule takes effect on May 19, 2015. Nearly all such applications are already being submitted with GIS map files voluntarily.

¹¹ Applicants filing under Section 22.948 should not indicate they are seeking a waiver with respect to the rule's requirement to submit GIS map files.